

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TED GERARD,

Plaintiff,

-against-

1199 NATIONAL BENEFIT FUNDS, et al.,

Defendants.

1:23-CV-7950 (DEH)

MEDIATION REFERRAL ORDER
FOR PRO SE EMPLOYMENT
DISCRIMINATION CASES

DALE E. HO, United States District Judge:

IT IS ORDERED that this *pro se* action is referred for mediation to the court's Mediation Program. Local Civil Rule 83.9 and the Mediation Program Procedures shall govern the mediation. Unless otherwise ordered, the mediation will have no effect upon any scheduling order issued by this Court, and all parties are obligated to continue to litigate the action.

IT IS FURTHER ORDERED that the Clerk of Court shall attempt to locate *pro bono* counsel to represent Plaintiff at the mediation. *Pro bono* counsel will contact Plaintiff directly.¹ The time to assign a mediator under Local Civil Rule 83.9 and the court's Mediation Program Procedures will be deferred until *pro bono* counsel has filed a Notice of Limited Appearance of Pro Bono Counsel. *Pro bono* counsel will represent Plaintiff solely for purposes of the mediation, and that representation will terminate at the conclusion of the mediation process.

¹ Because volunteer attorneys are a scarce resource, *pro se* litigants are not entitled to their choice of *pro bono* counsel. Cf. *Cooper v. Sargent*, 877 F.2d 170, 172-73 (2d Cir. 1989). If Plaintiff chooses not to work with the volunteer attorney or law-school clinic that reaches out to Plaintiff, Plaintiff's options are to obtain counsel on his or her own or proceed *pro se* in all aspects of this matter, including mediation.

IT IS FURTHER ORDERED that any objection by Plaintiff either to the mediation or to the Court's request for *pro bono* counsel to represent Plaintiff in the mediation must be filed within 14 days of this order.

SO ORDERED.

Dated: October 24, 2023
New York, New York



DALE E. HO
United States District Judge